

UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

**GREAT WEST CASUALTY
CO., a Nebraska Corporation,**

Plaintiff,

V.

**NATIONWIDE AGRIBUSINESS
INSURANCE CO., an Iowa corporation,
TIMOTHY A. BRENNAN, as Administrator
of the Estate of Patrick J. Brennan, deceased,
and CONSERV FS, INC., an Illinois
corporation,**

Defendants.

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No. 1:23-cv-02178

Hon. Matthew F. Kennelly

JUDGMENT IN A CIVIL ACTION

The Court has decided this cause on a Motion for Summary Judgement, finding in favor of Movant, Plaintiff Great West Casualty Co. and against Nationwide Agribusiness Insurance Co., Timothy A. Brennan and Conserv FS, Inc. The Court enters a declaratory judgment as follows:

- a. Great West Casualty Co. and Nationwide Agribusiness Insurance Co. both cover, on a co-excess basis, Robert D Fisher, Deerpass Farms Trucking LLC2, and Conserv F.S., Inc. in the matter of *Estate of Patrick J. Brennan, deceased v. Robert D. Fisher, Deerpass Farms Trucking II*, Case No. 2021 L 000072, pending in the Circuit Court, 23rd Judicial Circuit, DeKalb County, Illinois;
- b. In that the two excess provisions effectively cancel each other out, the co-excess insurers share responsibility on a *pro rata* basis, and that Great West Casualty Co. shares *pro rata* by limits with the coverage of Nationwide Agribusiness Insurance Co. for their insureds as identified in paragraph a., above, with respect to litigation captioned *Timothy A. Brennan, as Administrator of the Estate of Patrick J. Brennan, deceased, v. Robert D. Fisher, Deerpass Farms Trucking II*, Case No. 2021 L 000072, Circuit Court, pending in the 23rd Judicial Circuit, DeKalb County, Illinois (*i.e.*, on a 1:2 ratio, Great West: Nationwide) wherein Great West Casualty Co. pays one-third and Nationwide

Agribusiness Insurance Co. pays two thirds of both defense costs and indemnity expense per the terms of their policies and not to exceed the limits of such insurance; and,

- c. The Parties are to bear their own costs.

Date: January 22, 2024

CLERK OF COURT

Melissa Astell

Signature of Clerk or Deputy Clerk